

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Christopher Lemonte Hampton,)	Civil Action No.1:14-cv-02224-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Sgt. PA Barnes, Sgt. Whitney Clark,)	<u>OPINION AND ORDER</u>
Disciplinary Hearing Officer Ernest Rowe;)	
<i>in their individual capacities</i>)	
)	
Defendants.)	
_____)	

Plaintiff Christopher Lemonte Hampton (“Plaintiff”), a state prisoner proceeding *pro se*, filed this action against Defendants pursuant to 42 U.S.C. § 1983. Plaintiff alleges violations of his constitutional rights arising out of disciplinary convictions that resulted in his being placed in segregation, wearing a pink jumpsuit, and the loss of telephone, canteen, and visitation privileges. (ECF No.1.) This matter is now before the Court upon the Magistrate Judge’s Report and Recommendation filed on June 19, 2014. The Magistrate Judge recommends that this action be dismissed without prejudice and without service of process due to Plaintiff’s failure to alleged facts indicating that his disciplinary convictions enhanced his sentence in such a way to implicate a cognizable liberty interest. *Sandin v. Conner*, 515 U.S. 472 (1995).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.

§ 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No.8 at 6.) However, he has not done so and the time for filing objections has expired. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

After a careful review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated herein by reference. Therefore, it is ORDERED that this action is DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

July 21, 2014
Spartanburg, South Carolina